

**Newfields Planning Board Meeting
February 21, 2008**

Attendance: Bill Meserve, Michael Todd, Elliot Alexander and Michael Woodworth.
Absent from the meeting was Mike Price and Town Planner Clay Mitchell.

Chairman Bill Meserve called the meeting to order at 7:00pm.

Bill Davis-Condominium Conversion-10 Main Street

Bill Davis proposes to convert 10 Main Street into condominium units. One shall be commercial the other mixed commercial/residential. Bill explained that there will be no physical changes to the property. This is strictly a legal ownership distinction. The site plan indicates Unit A and Unit B. Unit A will be purchased by the current tenant, Brian McElwee, as a business condominium. Unit B is an existing non-conforming use and will remain owned by Bill.

Bill Meserve mentioned that everything is in order according to the Town Planner. This is simply a change of ownership.

Mike Todd commented that any use change would have to come back before the Board.

According to Bill this is a courtesy review and he would like the Board to sign the plan for recording.

Mike Todd was concerned with fire code compliance. He suggested getting confirmation from the Building Inspector that the building was inspected and passed the fire codes prior to signing the mylar.

Later in the evening Bill brought in information from his file regarding the fire code inspection. The Board agreed to sign the mylar and leave it with Sue pending a verbal okay from Building Inspector Larry Shaw.

Cedar Island Ledge Property Management-Lot line Adjustment & Lot Consolidation

Attorney Sharon Somers spoke on behalf of Cedar Island Ledge Property Management. She presented the plans for lot line adjustment and lot consolidation. The applicant intends on transferring .12 acres from Map 202 Lot 8.23 to Map 202 Lot 8.22. He would also like to consolidate three remnant lots on the southerly side of the intersection of Route 85 and Route 108 and combine them into Map 202 Lot 8.23. After the change, the total acreage of Map 202 Lot 8.23 will be 4.22 acres and Map 202 Lot 8.22 will be 1.72 acres.

Attorney Somers stated that as part of a conditional approval the applicant will gladly execute the deeds and turn them over to our town counsel for recording. That way the Board would be assured that the recordkeeping was done properly.

The future of the lots on the southerly side of Route 85 has not been determined. When the applicant does decide to do something he will be back before this Board for discussion. All they are asking for tonight is to adjust the acreage between lots 8.22 and 8.23 and consolidate the remnant lots.

Mike Todd was concerned that the Board had no correspondence from Attorney Peter Loughlin regarding the status of this application. The Board would like some kind of confirmation from Attorney Loughlin that the new deeds have been reviewed and are satisfactory. Attorney Somers noted that Attorney Loughlin has been sent the draft deeds for review. She confirmed that the Board is okay with the proposed lot line adjustment and consolidation but they would like a sign off from Attorney Loughlin prior to signing the plans.

The Board is willing to come in and sign the plan prior to the next meeting if necessary.

James & Mary Vienneau-12-lot Subdivision Old Lee Road- Map 208 Lot 25

Attorney Robert Battles is representing the Vienneau's and addressed the Board. The application has been submitted and abutters have been notified. The plan is complete.

A motion was made by Mike Todd and seconded by Elliot to accept jurisdiction of the plan. All were in favor and the motion carried.

Dan Balfour from Jones & Beach Engineering spoke on behalf of the applicant. He stated that the parcel is 41 acres with an existing single family home with well and septic. They are proposing a 12-unit conservation subdivision (including the existing home) with on-site well and septic. There are 24.13 acres of open space. The application will require a DES wetlands permit. The roadway is 2200 linear feet with wetlands crossings and a wetlands impact of about 10,500 sq. feet. Drainage will be accomplished with road side swale, catch basins and three detention areas. There will be underground utilities.

There is a 75-foot buffer along the perimeter of the subdivision, with the exception of the roadway entrance. Waivers will be requested for the 75-foot buffer along the roadway entrance, the roadway length and road width.

Attorney Battles commented that they have not provided homeowners association documents and some type of conservation land easement or dedication that protects the open space area. He will have them for the next meeting.

Bill informed the audience that the applicant has had three organizational discussions with the Board prior to this meeting and the formalization of the application.

Bill Meserve would like the drainage looked at by another firm prior to approval. The applicant agreed and the drainage plan shall be sent to Civil Works in Dover NH for review. He would also like the Conservation Commission, Road Agent and Fire Chief to take a look at the plans.

Wayne and Cindy Hall were concerned with the aquifer in the area and the proposed wells. Dan informed them that the lots will all have individual wells and a couple of units will have shared septic systems. Septic systems will need to be approved by the State.

Maggie Doane stated that as development has extended up Old Lee Road her water has been affected tremendously. It has gone from a good flow to a trickle. She has had sludge and had to install a filter. She is curious to know if there is something that she can do to make sure her well won't be affected by this subdivision. Attorney Battles agreed to inspect and test the Doane's well and possibly others in the area.

Bill Meserve would like to see extensive plantings along the side of the roadway entrance.

The Board discussed waivers. The Board doesn't have an issue with the three waivers. Mike Todd said that the only one that is questionable is the road width waiver. A waiver may not be needed. They will vote on them next month.

Bill Meserve noted that typically \$2,000 per unit is placed into the sidewalk trust fund.

Wayne Hall asked if the number of house lots would have been different if this was not a conservation subdivision. Bill replied that it is based on calculations.

The hearing was continued until next month's meeting.

Bernier Corporation

Attorney Battles informed the Board that Jonathan Ring has met with Clay and addressed the remaining issues for final approval. The Water Commissioners have confirmed in writing that Bernier Corporation is allowed to connect to the water system and the letter is in their file. A \$2,000.00 check for the sidewalk trust fund was submitted.

The only outstanding issue is payment of legal fees. The total cost of legal fees to Attorney Lane was \$6,098.68. There were other fees related to engineering and those have been paid by Mr. Bernier. On July 2, 2007 Mr. Bernier sent a letter to the Planning Board stating he was not going to pay for the towns legal fees on the advice of his attorney. He also mentioned in the letter that he was never notified that he would be responsible for the fees.

According to the ordinances, reasonable fees may be imposed by the Planning Board to cover its administrative expenses. The statute does not state all legal fees. His client is not objecting to the payment of the legal fees totaling \$1,029.30, directly related to the review and language of the conditional approval. There was no discussion with the Board that Mr. Bernier would be liable for our attorney fees associated with the history of Map 104 Lot 21 & 22 and the status of the road.

Attorney Battles stated that for the record, there was a precedent set a few years ago in a much larger project involving the same title work for which Mr. Lane had reviewed. The applicant of that project paid no legal fees.

The Board did not feel the decision to waive fees was in their jurisdiction. They suggested Attorney Battles meet with the Selectmen to discuss the issue.

Long Bow Realty-Winkler Commerce Center-lot 2

Bill Meserve noted that the subdivision plan has not been recorded to date. Dave Garvey said that he is waiting for DOT approval. He would like conditional approval tonight.

The applicant confirmed that signatures are not needed on the boundary survey he will be recording.

The DOT requested a conceptual plan for the turning lane if the land is developed beyond the two lots. They asked that the throat of the entrance be opened up and that an extra 5 foot easement is placed along route 108. The easement language and 5 foot easement will be recorded on the subdivision plan as a note.

Bill Meserve would like to see more trees added along the boundary of the Kelly property as a buffer. Dave agreed to plant more trees.

Dave Garvey addressed the items he has completed since the last meeting.

Revision date has been added to the plan.

Septic designs have been sent to the State for approval and will be added to plan prior to approval.

The location of the one dumpster has been moved and a walkway added.

Contours for the parking lot and driveway are shown.

Landscaping is shown on the plan

The signs on Route 108 have been relocated and he will go to the Zoning Board of Adjustment at a later date for permission to put a sign out front.

Underground utilities are shown.

The splash plan and cut sheets have been submitted to the town office.

The abutter's names and lot numbers have been added, as well as a scale bar.

A reference to the subdivision survey will be added.

Topography and contours have been added to the plan.

The locations of hay bales are shown.

The applicant suggests that a review be completed one year after a certificate of occupancy has been issued to review additional parking.

Bill Meserve asked about the future reserve gravel parking. Dave clarified that the parking lot is designed to be built as gravel. The area will be for overflow parking and will not be paved unless necessary. The Road Agent will need to approve the roadway design.

A motion was made by Mike Todd and seconded by Elliot to conditionally approve the site plan pending Road Agent approval; signing and recording of the subdivision plan, septic approval from the State, additional planting of trees and a change in identification of

additional parking to future reserve parking (remove gravel). All were in favor and the motion carried.

Nancy Kingston-Newfields General Store

Nancy would like to put her real estate office in the upstairs of the store. She asked for a change of use in 2005 and was denied by the Zoning Board of Adjustment. She currently rents office space in Exeter and would like to figure out how she can accomplish relocating above the store. She is concerned that the Exeter office space will be sold off in the near future and she would like to look at her options for relocating.

Bill Meserve noted that offices are not a permitted use in the residential zone but the Board would like to promote business in the downtown area. The Board has looked at changing the zoning to mixed use in the village but that has not been voted on.

Nancy feels one of her options would be to close the store and open it as her real estate office.

The Board was concerned with parking. Nancy explained that the real estate office does not create a huge amount of traffic so parking shouldn't be an issue. Most people go on-line to look at real estate. Very rarely does someone come into her office.

Nancy will have to go to the Zoning Board of Adjustment again to get a variance or special exception.

The Board referred Nancy to Clay about putting the real estate office above the store.

A motion was made and seconded to adjourn the meeting at 9:00 pm. The motion carried. The next regularly scheduled meeting will be Thursday March 20, 2008 at 7pm.

Respectfully submitted,

Sue McKinnon